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DAC IFW

Attorney Docket No. 5577-282

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Gurda et al.

Confirmation No.: 9591

Application No.: 10/790,588

Filed: March 1, 2004

For: *Methods, Systems, and Computer Program Products for Detecting the Presence of an Installation on a Data Processing System Based on the Relative Storage Locations of One or More Files*

Date: July 21, 2004

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of March 1, 2004 rather than March 2, 2004 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of March 1, 2004 being the correct filing date for the application which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the stamped Express Mail Receipt, along with a copy of the USPS-Track & Confirm from the web page, showing "acceptance" or deposit with the USPS on March 1, 2004 at 5:53 p.m.; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of March 2, 2004 instead of the Express Mail date of March 1, 2004.

In re: Gurda et al.


Application No.: 10/790,588

Page 2

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of March 1, 2004 as the filing date pursuant to 37 CFR § 1.10.

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 09-0461.

Respectfully submitted,



D. Scott Moore

Registration No. 42,011

USPTO Customer No. 20792

Myers Bigel Sibley & Sajovec

Post Office Box 37428

Raleigh, North Carolina 27627

Telephone: 919/854-1400

Facsimile: 919/854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 21, 2004.



Monica L. Croom



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 5577-282

DATE: March 1, 2004

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☒ a patent application
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: _____; filed _____, the disclosure of which is incorporated herein by reference in its entirety.
☐ and claims the benefit of Provisional Application No. _____; filed _____.

Inventor(s) or Application Identifier:

Melanie Gurda -- Raleigh, North Carolina
James S. Jennings -- Durham, North Carolina
Lenore Ramm -- Hillsborough, North Carolina

Entitled: **METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR
DETECTING THE PRESENCE OF AN INSTALLATION ON A DATA PROCESSING
SYSTEM BASED ON THE RELATIVE STORAGE LOCATIONS OF ONE OR MORE
FILES**

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 20792

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 25 pages of Specification (including 20 claims)
3. ☒ 4 sheets of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
 - a. ☒ newly executed (*original or copy*)
 - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
 - c. ☐ DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

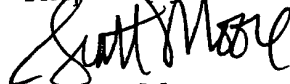
7. ☐ Microfiche Computer Program (*Appendix*)
8. ☐ Assignment papers (*cover sheet(s) and document(s)*)
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.
10. ☒ Information Disclosure Statement, PTO-1449, and 12 references cited
11. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☐ Certified Copy of Application No. ; Filed
14. ☐ Sequence Listing/ Sequence Listing Diskette
 - a. ☐ computer readable copy
 - b. ☐ paper copy
 - c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Deletion of Inventors(s) (Signed statement attached deleting inventor(s) name in the prior application. See 37 CFR 1.63(d)(2) and 1.33(b).
18. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form.
19. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate Fee	Large Entity Rate Fee
BASIC FEE			\$385.00	\$770.00
TOTAL CLAIMS	20 - 20 =	0	x 09 = \$	x 18 = \$ - 0 -
INDEP CLAIMS	3 - 3 =	0	x 43 = \$	x 86 = \$ - 0 -
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 145 = \$	+ 290 = \$
If the difference in Col. 1 is less than zero, Enter "0" in Col. 2			Total \$	Total \$770.00

- ☐ A check in the amount of \$ to cover the filing fee is enclosed.
- ☐ A check in the amount of \$ is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
- ☒ Please charge IBM Deposit Account No. 09-0461 in the amount of \$770.00.
- ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 09-0461:
- a. ☒ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
 - b. ☒ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,



D. Scott Moore

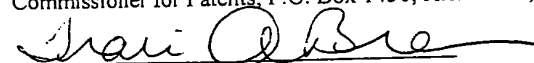
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CERTIFICATE OF EXPRESS MAILING

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Traci A. Brown

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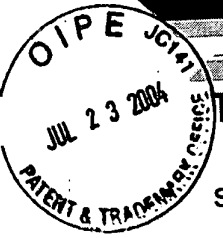
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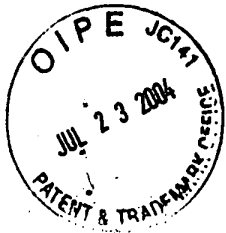
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M.S. Patent Application DSM 1/4 Date: 3/1/04
Commissioner for Patents Doc. No. 5577-282
P.O. Box 1450 03-10-04 A09:46 Serial No. hba
Alexandria, VA 22313-1450 Inventor: Gurda et al.

Sir: Kindly acknowledge receipt of the accompanying items listed below
by placing your receiving stamp hereon and return mailing:

☒ Application Transmittal and:
☒ Specification pages 25

☒ No. of Claims 20

☒ Declaration & POA

☐ Assignment and Fee

☐ Small Entity Statement

☒ Formal Drawings/ 4 sheets

☐ Associate Power of Attorney

☒ Exp. Mail ☐ 1st Class Mail

Other: _____

☒ Check \$ _____
☒ IDS & PTO-1449 & 12 refs. cited
☐ Amendment & Amend. Transmittal
☐ Preliminary Amendment
☐ Issue Fee
☐ Brief
☐ Appeal
☐ Submittal of Priority Doc.

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant

22581 U.S. PTO
10/790588
030204

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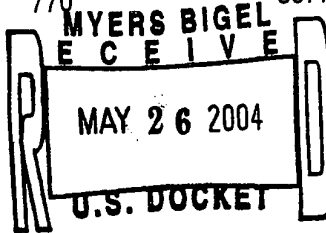


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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/790,588	03/02/2004	2131	770	5577-282	4	20	3

Myers Bigel Sibley & Sajovec
 PO Box 37428
 Raleigh, NC 27627



CONFIRMATION NO. 9591

FILING RECEIPT



OC000000012736256

Date Mailed: 05/21/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Melanie Gurda, Raleigh, NC;
 James S. Jennings, Durham, NC;
 Lenore Ramm, Hillsborough, NC;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 05/19/2004

Projected Publication Date: 09/08/2005

Non-Publication Request: No

Early Publication Request: No

05-24-04 A09:51 IN

Title

Methods, systems, and computer program products for detecting the presence of an installation on a data processing system based on the relative storage locations of one or more files

Preliminary Class

713

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